

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.57031 of 2015

Arising Out of PS.Case No. -30 Year- 2007 Thana -SAHEBPUR KAMAL District- BEGUSARAI

1. Ghanshyam Yadav son of Arjun Yadav resident of village-
Raghunathpur, P.S.- Sahebpur Kamal, District- Begusarai

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Sumiran Rai

For the Opposite Party/s Ms. Rita Verma (App)

CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

4 11.05.2016 Heard learned counsel for the petitioner as well as learned
Addl. Public Prosecutor for the State.

Petitioner seeks bail in a case registered under sections 302,
201 of the Indian Penal Code.

Earlier prayer for bail of the petitioner was rejected by this
court vide order dated 3.2.2015 passed in Cr. Misc. no. 4472/2015
with direction to the trial court to conclude the trial of the petitioner
within nine months from the date of commitment order and liberty
was given to the petitioner to renew his prayer for bail before trial
court itself, if his trial is not concluded within the above stated period.

The trial court earlier sent a very sketchy report and only
mentioned in his report that the case is pending for hearing on the
petition filed under section 227 of the Cr.P.C and when this court vide
order dated 16.3.2016 expressed its displeasure and called for a fresh
report from the concerned court, it was reported that the case of the

petitioner was committed to the court of sessions on 9.3.2015 and the matter is pending for hearing on the petition filed under section 227 of the Cr.P.C. The aforesaid fact goes to show that up till now charge could not be framed against the petitioner. The aforesaid fact also goes to show as to how trial courts of the State are flouting the directions of this court.

It appears from the above stated facts that Addl. Sessions Judge III, Begusarai has not given any serious attention towards the direction of this court and sat on the matter for a long period without any substantial progress in the trial of the petitioner.

No doubt, petitioner is named in the first information report but no specific overt-act has been attributed against him. Prayer for bail of the petitioner was earlier rejected only on the ground that he could be remanded in the present case after seven years of the occurrence.

Moreover, having more or less similar allegation one co-accused has already been granted privilege of bail by a coordinate bench of this court in the year 2008 whereas petitioner is in jail custody since 6.11.2014. The aforesaid facts go to show that there is no possibility of conclusion of trial of the petitioner in near future.

Regard being had to the above stated facts and circumstances as well as submissions of the parties, let the petitioner be released on bail on furnishing bail bonds of Rs 10,000/- with two sureties of the like amount each to the satisfaction of the Addl. Sessions Judge III, Begusarai in Sessions Trial no. 96/2015 arising out of Sahebpur Kamal P.S. Case no. 30/2007 subject to the condition that



petitioner shall attend the learned trial court in person on each and every date for the period of six months or till conclusion of his trial whichever is earlier and if he fails to do so on two consecutive dates without any reasonable explanation, the learned trial court shall be at liberty to cancel the bail bonds of the petitioner.

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(Hemant Kumar Srivastava,J)

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